

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK

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ALBERT G. FRANTZ,

Plaintiff,

v.

Civil Action No. 04-CV-0021  
(HGM/DEP)

U.S. DEPARTMENT OF DEFENSE,

Defendant.

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ORDER

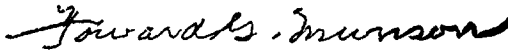
A motion for summary judgment having made by defendant, United States Department of Defense, and the motion having been scheduled for a regularly scheduled motion term in the United States District Court, Syracuse, New York, on October 14, 2005,

NOW, on consideration of all the papers submitted in support of the Government's motion for summary judgment and the letter by counsel for plaintiff dated September 13, 2005, stating that plaintiff does not oppose the Government's motion for summary judgment, the Court grants the Government's motion for summary judgment, therefore it is

ORDERED, that the Government's motion for summary judgment is granted and it is further

ORDERED, that plaintiff's complaint be dismissed with prejudice and that costs may be taxed as appropriate.

Dated: September 28, 2005  
Syracuse, New York

  
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HOWARD G. MUNSON  
Senior U.S. District Judge